

**Notice of Allowability**

Application No.

09/852,995

Applicant(s)

HARKER ET AL.

Examiner

LINH BLACK

Art Unit

2163

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/21/06.
2. ☒ The allowed claim(s) is/are 1-5, 7-14, 16-19, 22-29 (Renumbered as 1-25).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DONWONG****PROSECUTORY PATENT EXAMINER**

## **Reason for Allowance**

### **The following is an examiner's statement of reasons for allowance:**

The prior art of record fails to teach the limitations of independent claims 1 and 16, particularly: "an initiating party interface arranged to cooperate with an initiating party's communication device to cause communications application software appropriate to the manner of communications specified in said rule to automatically execute at the initiating party's device" ... "the server generates data which , when processed at an initiating party device, results in the automatic execution of communications application software, the communications application software determining the manner of communication between the initiating party and the recipient party" are not found in the prior art of record.

Thro et al. (US 6147977) teach: "a database storing a plurality of entries each relating to a recipient party" – col. 3, lines 48-62; "each entry being stored according to a unique identifier assigned to the corresponding recipient party" – fig. 2, elements 76-86; col. 5, line 25 to col. 6, line 51; "at least one rule included in each entry, specifying a manner, of communications between the corresponding recipient party and an initiating party" – fig. 2, elements 76-82; col. 3, line 61 to col. 4, line 66; col. 5, line 25 to col. 6, line 51; "wherein the system manages communications between an initiating party and a

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recipient party according to appropriate rule" – col. 3, line 61 to col. 4, line 66. Thro et al. do not disclose the limitations cited above.

Dependent claims 2-5, 7-14, 17-19, 22-29 incorporate the listed limitations by reference and contain limitations that further distinguish over the art of record. For these reasons, claims 2-5, 7-14, 17-19, 22-29 are considered allowable over the art of record.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner  
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March 7, 2006

*Rakesh Wossum*  
Primary Examiner  
Art Unit 2167